IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

Bail Appl..No. 7701 of 2006()

Crime No.78/04 of Rajakadu Police Station

: PETITIONERS/ACCUSED 2 & 3.

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1. THOMAS @ JOHNSON,
   S/O.MANI, MAVELIKUNNEL HOUSE,
   ELLAKKAL KARA, BISONVALLEY VILLAGE.

2. MANI @ APPACHAN,
   MAVELIKUNNEL HOUSE, ELLAKKALKARA,
   BISONVALLEY VILLAGE.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS: STATE.

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1. STATE OF KERALA, REPRESENTED BY PUBLIC
   PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. DEPUTY SUPERINTENDENT OF POLICE,
   CBCID, IDUKKI, THODUPUZHA.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No.7701 of 2006

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Dated this the 12th day of January, 2007.

ORDER

Petitioners, who are accused Nos. 2 and 3 in Crime No.78 of 2004 of Rajakadu Police Station for offences punishable under Sections 306 and 498A I.P.C. and subsequently made over to the Crime Branch, Idukki where it has been registered as Crime No.222/CR/2006, seek anticipatory bail. Beena, wife of the first accused in the case committed suicide on 11.4.2004 after poisoning her only child to death.

2. The learned Public Prosecutor opposed the application.

3. After hearing both sides and after considering the entire facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer and thereafter have their application for regular bail considered by the Magistrate concerned. Accordingly, the petitioners shall surrender before the Investigating Officer on any day between 15.1.2007 and 17.1.2007 for the purpose of interrogation and recovery of

incriminating material, if any. The petitioners shall thereafter be produced before the Magistrate having jurisdiction on the same day. The Magistrate shall consider and dispose of the application, if any, filed by the petitioners for regular bail preferably on the same date on which it is filed.

With this direction, this application is disposed of.

V.Ramkumar,
Judge.

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